

**PROPOSED REVISIONS TO
STATE PUBLIC WORKS DIVISION DRAFT REGULATIONS**

**(SET NO. 2)
NAC 338.240 & 338.370
4/4/16**

NAC 338.240 Criteria for qualification for public work with estimated cost of \$100,000 or more; pertinent documentation and information; exceptions. (NRS 338.1375, 338.13895, 341.070, 341.110)

Except as otherwise provided in subsection 3, the following criteria must be used to determine whether a prime contractor is qualified to bid on a contract for one or more public works for which the estimated cost is \$100,000 or more:

(a) The financial ability of the prime contractor to perform the contract. The prime contractor must include with the application submitted pursuant to NAC 338.250:

(1) Evidence that the prime contractor is properly licensed pursuant to chapter 624 of NRS.

(2) A statement regarding whether the prime contractor, the principal personnel or any business entity associated with the principal personnel has filed as a debtor under the United States Bankruptcy Code during the 5 years immediately preceding the date of the application.

(3) A certified ~~original~~ statement of the bonding capacity of the prime contractor obtained for a surety which is authorized to issue bid, performance and payment bonds in this State and which:

(I) Has received a rating of “A-” or better, as determined by A.M. Best Company of Oldwick, New Jersey; and

(II) For a contract that:

(i) Is more than \$5,000,000, is classified in a financial size category of “VII” or better, as determined by A.M. Best Company of Oldwick, New Jersey, and is included on the list of approved sureties in Circular 570 of the United States Department of the Treasury; or

(ii) Is \$5,000,000 or less, is included on the list of approved sureties in Circular 570 of the United States Department of the Treasury.

The requirements of sub-subparagraphs (I) and (II) do not apply if the surety is Lloyd’s of London. The certified original statement must specify the single and aggregate limits on and the available bonding capacity of the prime contractor to work on a public work.

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NAC 338.370 Criteria for qualification; pertinent documentation and information; list of subcontractors determined not to be qualified. (NRS 338.1376, 341.070, 341.110)

1. The following criteria will be used to determine whether a subcontractor who submits an application for qualification is qualified pursuant to NRS 338.1376 to be included in a bid:

(a) The financial ability of the subcontractor to perform the contract. The subcontractor must include with his or her application for qualification:

(1) A certified ~~original~~ statement of the bonding capacity of the subcontractor obtained from a surety which is authorized to issue bid, performance and payment bonds in this State and which:

(I) Has received a rating of “A-” or better, as determined by A.M. Best Company of Oldwick, New Jersey; and

(II) Is included on the list of approved sureties in Circular 570 of the Department of the Treasury.

The requirements of sub-subparagraphs (I) and (II) do not apply if the surety is Lloyd’s of London. The certified original statement must specify the present single and aggregate limits of the subcontractor to work on a public work.

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**PROPOSED REVISIONS TO
STATE PUBLIC WORKS DIVISION DRAFT REGULATIONS
(SET NO. 2)
NAC 341.045, 341.060 & 341.171
4/4/16**

NAC 341.045 Standards for design; structural standards for geographic location. (NRS 341.070, 341.087, 341.091, 341.110, 341.143)

1. The Board hereby adopts by reference the following publications and establishes the standards contained therein as minimum standards for the design of state buildings, other than those excepted in NRS 341.141:

(a) The *2012 International Building Code* published by the International Code Council with the following exceptions:

(1) References to the *International Plumbing Code* are replaced with references to the *Uniform Plumbing Code*;

(2) References to the *International Electrical Code* are replaced with references to the *National Electrical Code*;

(3) References to the *International Mechanical Code* are replaced with references to the *Uniform Mechanical Code*;

(4) Section 105.1.1 is revised to read as follows:

“1. In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the building official is authorized to issue an annual permit upon application therefor to any state agency regularly employing one or more qualified tradepersons in the building or structure or on the premises owned or operated by the applicant for the permit.

2. In lieu of any individual permits that would otherwise be required, the building official is authorized to issue an annual permit upon application therefor to any state agency regularly employing one or more qualified tradepersons and one or more qualified design professionals in the building or structure or on the premises owned or operated by the applicant for the permit. The permit may authorize its holder to:

(a) Perform light construction, including, without limitation, a remodel or alteration, to an already approved building or structure; or

(b) Construct a building or structure with a gross area of 1,000 square feet or less for which the building official has already checked the plans and which is to be constructed at a site other than the site shown in the plans or at a location on the site other than the location shown in the plans.

3. An annual permit issued pursuant to this section to perform light construction to an already approved building or structure does not authorize the holder of the permit to perform any construction that:

- (a) Changes the occupancy classification of the building or structure;
- (b) Increases the occupant load of the building or structure;
- (c) Modifies a structural element of the building or structure;
- (d) Changes an egress path in or from the building or structure;
- (e) Modifies a fire-rated assembly within the building or structure unless the modification is limited to the installation of a listed through penetration for piping or conduit; or
- (f) Modifies a fire alarm system or fire sprinkler system within the building or structure.

4. As used in this section:

(a) “Journeyman” means a person who:

(1) Has successfully completed a program of apprenticeship in a building or construction trade that has been approved by the State Apprenticeship Council or an equivalent program accepted by the State Contractors’ Board; or

(2) Holds a journeyman’s card in a building or construction trade issued by a labor organization.

(b) “Qualified design professional” means a person who holds:

(1) A professional license or certificate issued pursuant to chapter 623, 623A or 625 of NRS that is appropriate for the work to be performed; or

(2) A license issued pursuant to chapter 624 of NRS in a classification or subclassification that is appropriate for the work to be performed.

(c) “Qualified tradeperson” means:

(1) A journeyman in the relevant field of work;

(2) A person who holds a certificate issued by the International Code Council as an inspector in the relevant field of work and who has at least 2 years of work experience in that field;

(3) A person who holds a license issued pursuant to chapter 624 of NRS in a classification or subclassification that is appropriate for the work to be performed; or

(4) An employee of the State or an agency thereof acting within the scope of his or her employment.”

(5) To section 105.3, add:

“(8) The permit application must be accompanied by a nonrefundable deposit of 1% of the total project valuation, including materials, labor and equipment.”

(6) In section 202, replace the phrase “more than 75 feet” with “more than 55 feet”;

(7) To section 403.4.4, add: “Loudspeakers or horns for a fire alarm must achieve at least 80 decibels of sound in all areas within the protected property”;

(8) To section 403.4.6, add the following provisions:

“(1) All fire equipment and equipment for the safety of life, including, without limitation, a fire alarm system, smoke management system, status indicator and controls for an air-handling system and an indicator of the status of an emergency generator,

contained within the fire command center must be tested as frequently as required by the codes and standards adopted by the State Fire Marshal pursuant to NAC 477.281, but in any case, not less than annually. The test must be performed by a person who holds a license or certification recognized by the authority having jurisdiction as appropriate for the performance of the test. Systems and equipment within the fire command center must be tested in accordance with the procedures set forth in the codes and standards adopted by the State Fire Marshal pursuant to NAC 477.281 and any special procedures prescribed by the designer or manufacturer of the system or equipment. All fire equipment and equipment for the safety of life, after having been tested, must be restored to service and tagged by the person who performed the test. The tag must conform to requirements for recording the maintenance of a fire alarm system set forth in NAC 477.370. If the person performing the test is unable to restore the equipment to service or determines that the equipment is disabled or in an impaired condition, he or she shall promptly notify the appropriate local fire department and the State Fire Marshal. A log of the tests required by this section must be maintained on the premises and available for inspection by the appropriate local fire department.

(2) The fire command center must be housed in a room separated from the building in which it is located by noncombustible construction rated at a minimum of 2 hours. The room used for that command center must be provided an exterior door.”;

(9) To section 403.5.3, at the end of the last sentence, add “or the activation of any fire alarm system or a power failure”;

(10) Section 907.5.2.3 is revised by adding the following exceptions:

“(4) Electrical rooms and mechanical rooms that are not normally occupied and are less than 400 square feet.

(5) Janitor closets.

(6) Storage rooms that are less than 400 square feet.

(7) Individual work areas or offices and private toilets serving individual work areas or offices.

(8)”; and

(11) In section 1008.1.9.11, exception 3 is revised to read as follows: “In stairways serving buildings other than high-rise buildings, doors are permitted to be locked on the side opposite the egress side, provided that the doors can be opened from the egress side. Except for exit discharge doors, the doors must be automatically unlocked upon the activation of a fire alarm system or fire sprinkler alarm and for a power failure.”

➡ This code may be obtained from the International Code Council, 25442 Network Place, Chicago, Illinois 60673-1254, or at the Internet address <http://www.iccsafe.org/>, at a price of \$91.50 for members and \$122.00 for nonmembers.

(b) The 2012 *International Existing Building Code* published by the International Code Council with the following exceptions:

(1) References to the *International Plumbing Code* are replaced with references to the *Uniform Plumbing Code*;

(2) References to the *International Electrical Code* are replaced with references to the *National Electrical Code*; and

(3) References to the *International Mechanical Code* are replaced with references to the *Uniform Mechanical Code*.

➤ This code may be obtained from the International Code Council, 25442 Network Place, Chicago, Illinois 60673-1254, or at the Internet address <http://www.iccsafe.org/>, at a price of \$49.50 for members and \$66.00 for nonmembers.

(c) The *2012 International Residential Code for One- and Two-Family Dwellings* published by the International Code Council with the following exceptions:

(1) References to the *International Plumbing Code* are replaced with references to the *Uniform Plumbing Code*;

(2) References to the *International Electrical Code* are replaced with references to the *National Electrical Code*; and

(3) References to the *International Mechanical Code* are replaced with references to the *Uniform Mechanical Code*.

➤ This code may be obtained from the International Code Council, 25442 Network Place, Chicago, Illinois 60673-1254, or at the Internet address <http://www.iccsafe.org/>, at a price of \$79.50 for members and \$106.00 for nonmembers.

(d) The *2011 National Electrical Code* published by the National Fire Protection Association. This code may be obtained from the National Fire Protection Association, 11 Tracy Drive, Avon, Massachusetts 02322, or at the Internet address <http://www.nfpa.org/>, at a price of \$80.55 for members and \$89.50 for nonmembers.

(e) The *2012 Uniform Plumbing Code* published by the International Association of Plumbing and Mechanical Officials, except, in section 412.0, “Table 4-1, Minimum Plumbing Facilities,” specifying a minimum number of required fixtures, is replaced by “Table 2902.1, Minimum Number of Required Plumbing Fixtures” of the *2012 International Building Code*. The *2012 Uniform Plumbing Code* may be obtained from the International Association of Plumbing and Mechanical Officials, 4755 East Philadelphia Street, Ontario, California 91761-2816, or at the Internet address <http://www.iapmo.org/>, at a price of \$84 for members and \$105 for nonmembers.

(f) The *2012 Uniform Mechanical Code* published by the International Association of Plumbing and Mechanical Officials. This code may be obtained from the International Association of Plumbing and Mechanical Officials, 5001 East Philadelphia Street, Ontario, California 91761-2816, or at the Internet address <http://www.iapmo.org/>, at a price of \$84 for members and \$105 for nonmembers.

(g) The *Americans with Disabilities Act* published by the United States Department of Justice. This publication may be obtained from the Disability Rights Section, United States Department of Justice, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530, or at the Internet address <http://www.ada.gov>, free of charge.

(h) The *2012 International Energy Conservation Code* published by the International Code Council. This code may be obtained from the International Code Council, 25442 Network Place, Chicago, Illinois 60673-1254, or at the Internet address <http://www.iccsafe.org/>, at a price of \$30 for members and \$40 for nonmembers.

(i) The “Guidelines for Evaluating Potential Surface Fault Rupture/Land Subsidence Hazards in Nevada” and the “Guidelines for Evaluating Liquefaction Hazards in Nevada” published by the Nevada Earthquake Safety Council. These guidelines may be obtained from the Nevada Earthquake Safety Council, c/o Nevada Bureau of Mines and Geology, University of Nevada,

Reno, Mail Stop 178, Reno, Nevada 89557-0178, or at the Internet address <http://www.nbmng.unr.edu/nesc/>, free of charge.

(j) ANSI/ASHRAE Standard 90.1-2010, *Energy Standard for Buildings Except Low-Rise Residential Buildings*, published by the American Society of Heating, Refrigerating and Air-Conditioning Engineers. This standard may be obtained from the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, Georgia 30329, or at the Internet address <http://www.ashrae.org/>, at a price of \$119 for nonmembers.

2. In addition to the standards contained in the 2012 *International Building Code* adopted pursuant to subsection 1, all buildings and structures of the State and any parts thereof must be designed using the structural standards for seismic zones, basic wind speed, wind exposure, frost line and the live loads and snow loads for roofs adopted by the political subdivision in which the building or structure is being constructed **unless the State standards adopted pursuant to subsection 1 are more stringent**. In the absence of such structural standards adopted by the political subdivision, the Deputy Administrator for Compliance and Code Enforcement may use structural standards that the Deputy Administrator for Compliance and Code Enforcement determines are appropriate for the geographic location at which the building or structure is being constructed.

NAC 341.060 ~~Variances from Modifications to code requirements as alternative method of design or construction~~ (NRS 341.070, 341.100, 341.110) Upon request, the Deputy Administrator for Compliance and Code Enforcement may grant ~~a variance from modifications to~~ code requirements as an alternative method of design or construction in accordance with the edition of the *International Building Code* which is adopted by reference pursuant to NAC 341.045.

NAC 341.171 Imposition and submission of fees for certain projects. (NRS 341.070, 341.087, 341.091, 341.110)

1. Except as otherwise provided in subsection 3, any plans and specifications for a project that is not part of the approved program for capital improvement which are submitted to the Division for review and approval must be accompanied by the following permit fees:

(a) A basic fee for inspection services based on the proposed total valuation of the project, including materials, labor and equipment, in accordance with the following schedule:

Total Valuation	Fee
\$1 to \$500.....	\$23.50
\$501 to \$2,000.....	\$23.50 for the first \$500 plus \$3.05 for each additional \$100 or fraction thereof, to and including \$2,000.
\$2,001 to \$25,000.....	\$69.25 for the first \$2,000 plus \$14 for each additional \$1,000 or fraction thereof, to and including \$25,000.

\$25,001 to \$50,000.....	\$391.25 for the first \$50,000 plus \$10.10 for each additional \$1,000 or fraction thereof, to and including \$50,000.
\$50,001 to \$100,000.....	\$643.75 for the first \$50,000 plus \$7 for each additional \$1,000 or fraction thereof, to and including \$100,000.
\$100,001 to \$500,000.....	\$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000 or fraction thereof, to and including \$500,000.
\$500,001 to \$1,000,000.....	\$3,233.75 for the first \$500,000 plus \$4.75 for each \$1,000 or fraction thereof, to and including \$1,000,000.
\$1,000,001 and up.....	\$5,608.75 for the first \$1,000,000 plus \$3.15 for each \$1,000 or fraction thereof.

(b) Except as otherwise provided in this paragraph, an additional fee for inspection services for each mechanical, electrical and plumbing system of the project in an amount equal to 15 percent of the basic fee for inspection services for each such system. If an application involves only one such system, no additional fee for inspection services is due pursuant to this paragraph.

(c) A fee for the review of the plans and specifications for the project in an amount equal to 70 percent of the total amount of the basic fee for inspection services calculated pursuant to paragraph (a) and any additional fees for inspection services calculated pursuant to paragraph (b).

2. In addition to the fees calculated for a project pursuant to subsection 1, the Division may charge a fee for the following services on an hourly basis at a rate equal to the hourly cost of the Division for:

- (a) Inspections outside of normal business hours.
- (b) Reinspections.
- (c) Inspections for which no fee is specifically indicated.
- (d) Additional reviews of plans or specifications required by changes, additions or alterations to the plans or specifications.
- (e) Reviews of requests to use alternate materials, designs, methods of construction or equipment.
- (f) Investigations of work performed without benefit of or before obtaining a permit.

➤ The Division will calculate its hourly costs based on the average amount the Division pays for the position of employment which is applicable to the service being provided, including, without limitation, inspectors, project managers and plan checkers. The hourly costs of the Division will be maintained on file at the Division's offices in Carson City and Las Vegas and will be posted on the Division's website at <http://www.spwb.state.nv.us/>—www.publicworks.nv.gov

3. The Deputy Administrator for Compliance and Code Enforcement shall determine, based on the actual costs to the Division, the amount of the fee that must accompany:

(a) The plans and specifications for a project which will be completed in phases or on an expedited schedule or which has unique or unusual requirements.

(b) An application for an annual permit pursuant to section 105.1.1 of the *2012 International Building Code*, as adopted by reference in NAC 341.045.

(c) The plans and specifications for a project which will be plan checked by a third party contractor.

